

Support for the Amendment:

The Abstract is amended to be in narrative form and to contain clear and concise language that does not include patent claim language.

The feature of claim 1 that recites “means for biasing the code device in a direction toward said console wall” is supported by the specification, for example, at page 11, lines 4-7, and Figure 2.

Claims 7 and 19 are amended to clarify the “means” characterized in the claims. Claims 7 and 19 now provide that the arrangement includes “means” for making the motion of the code device in the first direction of movement identical, regardless of whether the gear lever is guided forward or backward in its first principal direction when the gear lever is provided in a first position or a second position in its second principal direction. This is shown, for example, in the specification at page 9, line 9 - page 11, line 9, and in the context of Figure 6. In connection with the described embodiment, the code device 630 moves in the first direction of movement along the paths of sensors A and B regardless of whether the gear lever is provided in a first position or a second position in its second principal direction of movement.

Claims 1-23 are amended to address grammar, punctuation, and antecedent basis issues:

The claim language of claim 1 that recites “which can” has been amended to recite “constructed to.”

The claim language of claim 1 that recites “said sensors” has been amended to recite “one or more sensors.”

The claim language of claim 1 that recites “is actuated to move” has been amended to recite “moves.”

The claim language of claims 2, 4-12, 14, 15, and 17-23 that recite “in which” has been amended to recite “wherein.”

The claim language of claim 6 that recites “the pivot fastening” has been amended to recite “a pivot fastening.”

The claim language of claim 13 that recites “for interaction” has been amended to recite “constructed to interact.”

The claim language of claim 13 that recites “biasing the code device in the direction” has been amended to recite “biasing the code device in a direction.”

The claim language of claim 15 that recites “which is the part of” has been amended to recite “by which.”

No new matter is introduced by this amendment, and entry thereof is requested. Upon entry, claims 1-23 are active in this application.

Remarks

The statement in the outstanding Office Action that claims 8, 9, 20, and 21 include allowable subject matter is appreciated.

Claim Rejections – 35 U.S.C. § 112

Claims 1-23 are rejected under 35 U.S.C. § 112, second paragraph. This rejection is traversed.

Claims 1-23 are rejected as having a narrative structure that does not clearly recite claimed subject matter. Claims 1-23 are amended to distinctly recite structural elements of the arrangement by addressing grammar, punctuation, and antecedent basis issues.

Claim 12 is rejected for providing a broad limitation together with a narrow limitation. Claim 12 is amended to remove the limitation “in other words away from the gear lever.”

Reconsideration and withdrawal of the rejection are respectfully requested.

Claim Rejections – 35 U.S.C. § 102

Claims 1-23 are rejected under 35 U.S.C. § 102(b) over Reinecke (U.S. Patent No. 4,519,266). This rejection is traversed.

Preliminarily, it is noted that in the Action claims 8, 9, 20, and 21 are indicated as containing allowable subject matter. Accordingly, it is assumed that the Action is referring to claims 1-7, 10-19, 22, and 23 for the 35 U.S.C. § 102(b) art-based rejection.

A. Claims 1-12

Independent claim 1 is directed to an arrangement for controlling gear positions in a car. Claim 1 includes:

a console having a wall, and one or more sensors arranged in connection to said wall;

a gear lever constructed to move back and forth in a first and second principal direction essentially perpendicular to each other;

a code device constructed to interact with said one or more sensors, wherein the code device is connected to the gear lever so that the code device moves in a first direction of movement upon motion of the gear lever in said first principal direction, and in a second direction of movement upon motion of the gear lever in said second principal direction, wherein the code device is pivotably secured adjacent to the gear lever; and means for biasing the code device in a direction toward said console wall.

Reinecke describes several embodiments of a gear selector unit for a transmission in motor vehicles. For example, Reinecke describes a first, second, third, and fourth examples of a gear selector unit. See col. 1, ll. 46-55. None of the embodiments of Reinecke discloses all of the elements of claim 1.

The first embodiment of Reinecke has two variants (Figs. 1-6 and 7-12) that have the outlay of a classical manual gear shifter, i.e., the gear lever is moved by virtue of three shift paths connected by a connection path. The position of the gear lever is ascertained via two individually moveable sensing elements as the gear lever is moved in the shift paths, and the connection path. For example, while specifically referring to Figs. 1, 4 and 5 of the first variant, a shift path is sensed by the permanent magnets 6, 7, 8 positioned on the arm 4, and the sensors 9 and 13 that are embedded in the side wall 38. Also, See col. 2, ll. 5-10. In operation, the middle of sensors 9 is activated by magnet 6 when the gear selector is in the neutral position, the leftmost of sensors 9 is activated by magnet 8 when gear selector is in the left position, and when gear selector is in the right position, the rightmost of sensors 9 is activated by magnet 7. See col. 2, ll. 10-19. Therefore, movement of the gear lever of Reinecke in the shift paths (in the plane of the drawing of Fig. 1) is determined by movement of the arm, which has a movement that directly maps to the movement of the gear lever in the respective shift paths.

While still referring to the first variant of Figs. 1-6, and in particular Fig. 1 and Fig. 5, a selected gear is sensed by the permanent magnet 12 that is positioned on rod 11. This disclosed feature is used to activate the three sensors 13 that are embedded in the side wall 38, corresponding to a neutral, left, or right positioning of the gear shift. See col. 2, ll. 20-25. Therefore, movement of the gear lever of Reinecke in the connection path (perpendicular to the

plane of the drawing of Fig. 1) is determined by movement of the rod, which has a movement that directly maps to the movement of the gear lever in the connection path.

Therefore, the described first variant of the first embodiment of Reinecke discloses two separate sensing elements that are individually moveable in the connection path and shift paths, one sensing element for each direction of movement of the gear lever. The second variant of the first embodiment has the same functionality, with the exception of providing an alternative geometry of respective magnets and sensors. See Figs. 7-12; supporting text.

At no point does the first embodiment of Reinecke disclose all of the elements of the arrangement of claim 1. For example, the first embodiment does not disclose “a code device constructed to interact with said one or more sensors, wherein the code device is connected to the gear lever so that the code device moves in a first direction of movement upon motion of the gear lever in said first principal direction, and in a second direction of movement upon motion of the gear lever in said second principal direction,” as recited in claim 1.

The second embodiment of Reinecke (Figs. 13-16) similarly has the outlay of a classical manual gear shifter, including the three shift paths connected by a connection path. The gear selector of the second embodiment includes a lever 1 that is rotatable about a shaft 32 to select a gear. See col. 3, ll. 20-25. A selected gear is identified by virtue of extension 40 having a permanent magnet 29 affixed thereon. See col. 3, ll. 11-16. According to Reinecke, the second embodiment requires a discrete set of sensors 30 that are arranged on spherical end cap 41 such that each gear corresponds to its own sensor. Id. Therefore, the second embodiment of Reinecke simply describes that an interaction between a magnet and sensors that are located at the base of the gear shifter is used to discern each position of the gear lever.

At no point does the second embodiment of Reinecke disclose all of the elements of the arrangement of claim 1. For example, the second embodiment does not disclose “means for biasing the code device in a direction toward said console wall,” as recited in claim 1. Rather, it appears that Reinecke describes springs that apply a force to ball-type detents 28, 31 which stops a pivoting and movement of the lever 1. See col. 3, ll. 2-7; Figs. 14 and 16. However, this disclosure does not provide a means of biasing the magnet 29 towards a wall of the housing 2.

The third and fourth embodiments of Reinecke (Figs. 17-20, respectively) describe discernment of gear positions via movement of a gear lever through a single direction of movement. See col. 3, ll. 23-26; col. 3, ll. 45-50. Therefore, the third and fourth embodiments of Reinecke fail to disclose all of the element of claim 1. For example, the third and fourth embodiments of Reinecke fail to disclose “a gear lever constructed to move back and forth in a first and second principal direction essentially perpendicular to each other,” as recited in claim 1. Furthermore, the third and fourth embodiments of Reinecke fail to disclose “a code device constructed to interact with said one or more sensors, wherein the code device is connected to the gear lever so that the code device moves in a first direction of movement upon motion of the gear lever in said first principal direction, and in a second direction of movement upon motion of the gear lever in said second principal direction,” as recited in claim 1.

The first, second, third, and fourth embodiments of Reinecke fail to teach all of the elements of claim 1. Furthermore, there is no suggestion of a motivation to modify any of either the first, second, third, and fourth embodiments of Reinecke to arrive at the arrangement of claim 1. Therefore, reconsideration and allowance of claim 1, as well as claims 2-12 that depend therefrom, are requested.

B. Claims 13-23

Claim 13 is directed to an arrangement for controlling a gearbox in a car. Claim 13 includes:

a gear lever constructed to move back and forth in a first and second principal direction essentially perpendicular to each other;

a code device constructed to interact with one or more sensors, wherein the code device is secured in the arrangement so that the code device moves in a first direction of movement upon motion of the gear lever in the said first principal direction, and in a second direction of movement upon motion of the gear lever in the said second principal direction, wherein the code device is pivotably secured adjacent to the gear lever; and

means for biasing the code device in a direction away from the gear lever.

For at least the same reasons described above with respect to claim 1, the first, second, third, and fourth embodiments of Reinecke fail to teach or suggest all of the elements of claim 13. For example, the first, second, third, and fourth embodiments of Reinecke fail to teach or suggest, at least, “a code device constructed to interact with one or more sensors, wherein the code device is secured in the arrangement so that the code device moves in a first direction of movement upon motion of the gear lever in the said first principal direction, and in a second direction of movement upon motion of the gear lever in the said second principal direction,” as recited in both independent claim 13 and claim 1. Furthermore, there is no suggestion or motivation to modify any of either the first, second, third, and fourth embodiments of Reinecke to arrive at the arrangement of claim 13.

Therefore, reconsideration and allowance of claim 13, as well as claims 14-23 that depend therefrom, are requested.

Claim Rejections – 35 U.S.C. § 103

Claims 6, 12, and 18 are rejected under 35 U.S.C. § 103(a) over Reinecke (U.S. Patent 4,519,266). This rejection is traversed.

Claims 6 and 12 depend from independent claim 1, and claim 18 depends from independent claim 13. As described above with respect to claims 1 and 13, Reinecke fails to teach or suggest all of the elements of claims 1 and 13. Reinecke does not teach or suggest “a code device constructed to interact with said one or more sensors, wherein the code device is connected to the gear lever so that the code device moves in a first direction of movement upon motion of the gear lever in said first principal direction, and in a second direction of movement upon motion of the gear lever in said second principal direction,” or a “means for biasing the code device in a direction toward said console wall,” as recited in claims 1 and 13.

Therefore, reconsideration and allowance of claims 6 and 12 that depend from claim 1, and claim 18 that depends from claim 13 are respectfully requested.

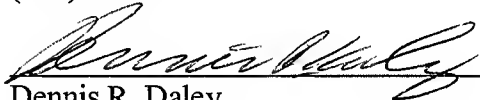
In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.



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Respectfully submitted,

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